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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JIBRIL KOITA,
GLADWIN WILSON,
MAHER OMARI,
SALEH SHERIF,
CELIO DE LA CRUZ,
ANH LE,
Petitioners

vs.

JANET RENO,
Respondent

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CIVIL ACTION NO. 1:CV-00-0070

FILED
HARRISBURG, PA

JAN 19 2001

MARY E. D'ANDREA, CLERK

PER _____
DEPUTY CLERK

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

By orders dated November 29, 2000, and December 22, 2000, we decided to consider the claim of petitioners, Jibril Koita and Maher Omari, that the INS had not given each of them the hearing under Chi Thon Ngo v. INS, 192 F.3d 390, 396 (3d Cir. 1999), that we had required in our order of September 27, 2000.

The respondent has filed separate responses for each petitioner, contending that the INS complied with our September 27 order.

In regard to Koita, the response indicates the INS interviewed him on October 19, 2000, and decided that his continued detention was appropriate, as supported by a custody review worksheet attached to the response.

We have examined this document and have concluded that it is not by itself enough to show that Koita received the hearing required by Chi Thon Ngo. That case requires an analysis of the alien's risk of flight and danger to the community before his detention can be continued. The worksheet does not show that these factors were considered. However, it does refer to a decision by the Institutional Hearing Program Director at Allenwood, affirmed by an immigration judge, that the petitioner should not be eligible for bond pending his removal hearing. If appropriate evidentiary material is submitted to show that these officials considered Koita's risk of flight and danger to the community, then we could conclude the INS complied with our order.

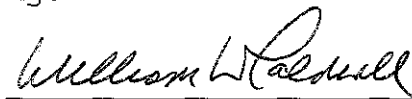
In regard to Maher Omari, the response indicates that the Board of Immigration Appeals (BIA) dismissed the agency's appeal of the immigration judge's decision granting Omari relief from deportation to Jordan, where he faced torture. However, it also indicates that Omari remains in detention while the INS finds another country to which he can be removed, and the INS represents that the BIA's action only has the effect of making his removal order final. The respondent asserts that Omari is scheduled for an interim hearing on February 1, 2001, to determine if he should be released on bond until his removal and that the hearing will use the Chi Thon Ngo factors.

Our review of the submissions on Omari indicate that the February 1 hearing will provide Omari the relief he seeks here. His request for relief will therefore be dismissed as moot.

Accordingly, this 19th day of January, 2000, upon consideration of the respondent's response to the petitioner's motion to reopen, it is ordered that:

1. Within twenty days of the date of this order the respondent shall, if she can, submit appropriate evidentiary material showing that Koita's risk of flight and danger to the community were considered in the decision to continue his detention.

2. Omari's request for relief (doc. no. 30) is denied based on the imminence of the February 1, 2001, hearing.



William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 19, 2001

Re: 1:00-cv-00070 Koita v. Reno

True and correct copies of the attached were mailed by the clerk
to the following:

Jibril Koita
CTY-YORK
York County Prison
57453
3400 Concord Road
York, PA 17402

Gladwin Wilson
CTY-SNY
Snyder County Jail
600 Old Colony Rd.
Selinsgrove, PA 17870-8610

Omari Maher
CTY-SNY
Snyder County Jail
600 Old Colony Rd.
Selinsgrove, PA 17870-8610

Saleh Sherif
CTY-SNY
Snyder County Jail
600 Old Colony Rd.
Selinsgrove, PA 17870-8610

Celio De La Cruz
CTY-SNY
Snyder County Jail
600 Old Colony Rd.
Selinsgrove, PA 17870-8610

Anh Le
CTY-SNY
Snyder County Jail
600 Old Colony Rd.
Selinsgrove, PA 17870-8610

Mary Catherine Frye, Esq.
U.S. Attorney's Office
Room 217 Federal Building

228 Walnut St.
Harrisburg, PA 17108

Thankful T. Vanderstar, Esq.
Office of Immigration Litigation
US Department of Justice Civil Division
P.O. Box 878
Ben Franklin Station
Washington, DC 20044-0878

cc:

Judge	()	
Magistrate Judge	()	
U.S. Marshal	()	
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: 1-19-01

BY: 878
Deputy Clerk